



AGENDA STAFF REPORT

ASR Control 03-001110

MEETING DATE: 08/19/03
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 3
SUBMITTING AGENCY/DEPARTMENT: Planning and Development Services (Approved)
DEPARTMENT CONTACT PERSON(S): Chad Brown (714)834-5159
Chuck Shoemaker (714)834-2166

SUBJECT: Appeal of Silverado Canyon Ranch PC Approvals

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
Approved Resolution to Form

CLERK OF THE BOARD
Public Hearing
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: No

Current Fiscal Year Revenue: N/A

Funding Source: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S)

1. Conduct Public Hearing
2. Deny appeal by Holtz Preservation Group, Canyon Land Conservation Fund, Rural Canyons Conservation Fund, Juaneno Band of Mission Indians (Acjachemen Nation) and listed individuals and uphold Planning Commission approval of Site Development Permit PA 02-0022 for Silverado Canyon Ranch.
3. Adopt Resolution Denying Appeal and Certifying Final EIR 587 and upholding Planning Commission approval of Site Development Permit PA02-0022 (Attachment 1)

SUMMARY:

Staff requests that the Board of Supervisors: 1) Deny the appeal seeking to overturn the Planning Commission's certification of EIR 587 and approval of Site Development Permit PA 02-0022 for the Silverado Canyon Ranch; and 2) adopt the attached resolution to certify EIR 587 (SCH 2002081002) prepared in accordance with the requirements of the California Environmental Quality Act; and to uphold Planning Commission approval of Site Development Permit PA 02-0022 for the Silverado Canyon Ranch.

On June 25, 2003 the Orange County Planning Commission voted 3-1 to certify EIR 587 (SCH 2002081002) and approve Site Development Permit PA 02-0022 for the Silverado Canyon Ranch. An appeal was filed by Holtz Preservation Group, Canyon Land Conservation Fund, Rural Canyons

Conservation Fund, Juaneno Band of Mission Indians (Acjachemen Nation) and listed individuals and organizations, that raises issues regarding administrative matters, CEQA inadequacies, and inconsistencies with the Silverado-Modjeska Specific Plan (Exhibit 1). Planning Commission approval of the project was appealed on July 10, 2003. Section 7-9-150.4 of the Orange County Zoning Code requires that appeals of Planning Commission actions be heard by the Board of Supervisors within 45 days after an appeal has been accepted. The appeal is addressed within Exhibit 2 attached to this report.

BACKGROUND INFORMATION:

The proposed development, Silverado Canyon Ranch (68.7 acres), is located within a 318 acre area identified and designated in the Specific Plan as the “Holtz Ranch”. The Holtz Ranch was farmed from 1900 to the late 1960’s. The majority of the proposed development is located in a portion of the site historically utilized for agricultural purposes with relatively flat topography. Pursuant to the Specific Plan the proposed development requires County approval of a site plan. The purpose of the site plan review is to demonstrate compliance with the Specific Plan guidelines.

Development Plan: The project site is located north of Silverado Canyon Road between Coal Crossing and Ladd Canyon Road and within the boundary of the Silverado-Modjeska Specific Plan. The attached Conformance Document (Exhibit 6.1) includes internal exhibits “A” thru “L” that are referenced within this report for clarity and illustration purposes. Full size exhibits of the site plan and related exhibits are included as Exhibit 6.2. The proposed project, Silverado Canyon Ranch consists of approximately 68.7 acres subdivided for 12 single-family lots, an entry lot, associated grading and infrastructure improvements. Lot sizes average over five (5) gross acres with building pads ranging between one acre and 3.8 acres, averaging approximately 1.8 acres. Under this proposal, the project site will be graded and improved with backbone infrastructure, such as an internal loop road and entry improvements, debris basins, storm drains, and water quality basin to support the proposed development. A gated entry is proposed to be provided at the project entrance off of Silverado Canyon Road. A portion of each residential lot will be preserved within a scenic preservation easement providing for approximately 29.3 acres of open space within the development. In addition to the on-site open space, the applicant proposes dedication of 46.3 acres of natural open space for Regional Park purposes to the County of Orange or its designee. The 46.3 acres of off-site open space is a separate parcel and located adjacent to the project site, south of Silverado Canyon Road outside the proposed subdivision’s boundary. This proposed dedication is not required by the Silverado-Modjeska Specific Plan or other County requirements.

Permitted Density: Silverado Canyon Ranch, complies with Orange County’s current A-1 zoning requirements of a minimum of 4 acres per dwelling unit with lots averaging over 5 gross acres per lot. Creating 12 single-family residential lots, the project provides for a significantly lower housing density than the number of dwellings potentially allowed under the low-density residential designation (1du/ac.) of the Silverado-Modjeska Specific Plan for this project site. A summary of the Specific Plan designations together with dwelling unit allocations for the project site and remaining Holtz Ranch property is contained within EIR 587, Table 3-1. In summary, potentially 25 additional units could be proposed on the remaining 203 acres of Holtz Ranch that are outside of the proposed project area. It should also be noted that the Silverado-Modjeska Specific Plan provides for “Planned Community Opportunities” for Holtz Ranch that permits density ranges between 3.5 to 5.0 du/ac. However, this provision is only available if the entire identified parcel is planned and zoned as a whole unit. Since the project applicant has proposed development for only 68 acres, the potential application of the “Planned Community Opportunities” is not available at this time and is eliminated from future consideration.

Specific Plan Conformity: A conformance document (Exhibit 6.1) and large scale site plan package (Exhibit 6.2) have been prepared to illustrate that proposed project meets the intent of the policies and

development guidelines of the Silverado-Modjeska Specific Plan (Exhibit 9). The project conforms to the development guidelines and qualified exceptions that are set forth in the Silverado-Modjeska Specific Plan, adopted by resolution by the Orange County Board of Supervisors, August 31, 1977, Resolution No. 77-1436 ("Specific Plan"). In 1977 the County Environmental Management Agency conducted numerous meetings and studies in preparation of an information document and planning guide for the Silverado-Modjeska area. On August 31, 1977, the Board of Supervisor adopted the Silverado-Modjeska Specific Plan as the policy-planning document for this area. Although not a part of the County's General Plan nor a specific plan that satisfies the requirements of Government Code 65450, the Silverado-Modjeska Specific Plan clarifies, interprets, and details many general plan policies with specific reference to the conditions of the Silverado-Modjeska area.

Detailed analysis of the proposed project is provided with the attached June 25, 2003 Planning Commission staff reports (Exhibits 6 & 7). The Silverado-Modjeska Specific Plan provides development guidelines for development within the Silverado-Modjeska area. Exemptions from the guidelines are permitted "in cases where public safety and welfare are issues, and/or site conditions dictate a design which better fits the goals and policies of the Specific Plan will one or more of these development guidelines be exempted."

Grading Policy: Grading on the northerly portion of the site (north of lots 4-8) exceeds the Specific Plan policy (Page 1) limiting cuts or fills to a maximum of 10 vertical feet. The proposed plan exceeds this policy by approximately 22 feet in order to provide for the safety of future residents and to implement flood control and water quality improvements. However, the Specific Plan directly provides for cuts or fills exceeding the Specific Plan policies when the proposed grading is "in cases where public safety and welfare are issues, and/or site conditions dictate a design which better fits the goals and policies of the Specific Plan will one or more of these development guidelines be exempted" (Page 1, Sil-Mod SP). The proposed project solution furthers the objectives of the Specific Plan by eliminating the need for extensive remedial grading which would impact existing vegetation and preserves the existing natural slopes located outside the development area. The grading plan for the project also exceeds the Specific Plan policy on cut and fill slopes on portions of the loop street system and building pads. The areas where this occurs are required in order to achieve public health, safety and welfare benefits by providing adequate site drainage and septic seepage pit systems and adequate emergency access to the project sites. Finally, the project includes grading on hillsides with slopes in excess of 45%. These areas are minimal (2.03 ac.) and are required in order to provide the public safety drainage and water quality improvements. This design will also enable the project to achieve other goals of the Specific Plan by reducing impacts to other surrounding natural slopes and the natural ridgelines that would otherwise be affected. Additionally, contour grading practices are proposed and together with landscaping improvements, the manufactured slopes will be returned to a condition similar to the natural state in furtherance of the objectives of the Specific Plan. The O.C. Planning Commission considered these exemptions and made appropriate findings within the Planning Commission's project approval resolution (Exhibit 4, Finding No. 9). Since the proposed plan is consistent with the Specific Plan, no amendment is required.

Community Design Guidelines: The applicant proposes to subdivide, grade and construct backbone infrastructure for the development area to enable the sale of individual home sites. As part of the site plan, the applicant prepared community design guidelines to provide a framework for the design and development of custom home sites to ensure consistency with the Specific Plan Guidelines. Subsequently, each lot owner is required by Condition of Approval No. 42 (Attachment 1-C) to process a site development permit to demonstrate that all proposed structures and improvements meet the overall development concept and are compatible with this Master Site Development Permit as well as the Specific Plan policies.

Planning Commission Action: The Planning Commission staff report with attachments from June 25, 2003 for EIR 587 (Exhibit 7) provides a detailed discussion of the environmental documentation for the project as presented to the Planning Commission for evaluation. Additionally, the Planning Commission staff report with attachments for Site Development Permit PA 02-0022 from June 25, 2003 (Exhibit 6) is provided that details the evaluation of the proposed project and evaluation with the Silverado-Modjeska Specific Plan policies.

CEQA COMPLIANCE

Draft EIR 587 was distributed for public review on December 20, 2002, and the 45-day public review period was extended for an additional fifteen (15) day, concluding on February 18, 2003. Responses to comments including, revisions to the Draft EIR and additional appendices, including the Silverado Canyon Ranch Site Development Permit Conformance Document dated April 4, 2003 in Appendix A; a cultural resources addendum prepared by Scientific Resource Surveys in Appendix B; Cultural Resources Third Party Review and Ethnographic Survey prepared by Mooney & Associates in Appendix G; and 2003 California gnatcatcher protocol survey findings in Appendix I.

Final EIR 587 consists of the Draft EIR dated December 2002, the Final EIR/Response to Comments dated June 2003, and all analysis, attachments, incorporations, and references to the documents delineated in those two documents and submitted to the County as part of the EIR process. These documents are included as Exhibit 8.

The Planning Commission certified Draft EIR 587 (SCH 2002081002) on June 25, 2003 prior to their approval of the Site Development Permit.

APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SILVERADO CANYON RANCH: EIR 587 AND SITE DEVELOPMENT PERMIT PA 02-0022

On July 10, 2003 an appeal (Exhibit 1) was filed by Holtz Preservation Group, Canyon Land Conservation Fund, Rural Canyons Conservation Fund, Juaneno Band of Mission Indians (Acjachemen Nation) and listed individuals and organizations, that raises issues regarding administrative matters, CEQA inadequacies, and inconsistencies with the Silverado-Modjeska Specific Plan. Most of the issues raised in the appeal were addressed during the public hearing by the Planning Commission for the project and EIR 587 on June 25, 2003. Exhibit 2 provides analysis and discussion for issues raised in this appeal.

CONCLUSION

The proposed Site Development Permit, Silverado Canyon Ranch (Vesting Tentative Tract Map No. 16191), consists of 12 single-family residential lots and an entry lot on approximately 68.7 acres. Silverado Canyon Ranch, as proposed, complies with Orange County's current A-1 zoning requirements of 4 acres per dwelling unit, with lots averaging over 5 gross acres per dwelling unit. Creating only 12 single-family residential lots, Silverado Canyon Ranch provides for a significantly lower housing density than the 68 units allowed under the low-density residential designation of the Silverado-Modjeska Specific Plan.

The project's conformity with the Silverado-Modjeska Specific Plan policies is discussed in the DEIR, the FEIR, the Conformance Document and in the County responses to the Appeal Letter. By virtue of the fact that the applicant has requested an exemption from strict application of certain General Development Guidelines within the Specific Plan, the County acknowledges that the proposed project does not conform to all of the guidelines. Nevertheless, the Specific Plan directly permits the County to determine whether

the proposed project “better fits the goals and policies of the Specific Plan” than strict, literal adherence to every guideline (Page 1, Sil-Mod Specific Plan). Given that the Specific Plan authorizes and permits the County to determine if exemptions are appropriate, no amendment to the Silverado-Modjeska Specific Plan is required to accommodate the grading exemptions requested by the project.

The Response to Appeal (Exhibit 2) demonstrates that the project complies with applicable regulations and policies and therefore, the appeal should be denied. Substantial evidence in the record supports approval of the project permits and their analysis under CEQA.

REVIEWING AGENCIES:

County Counsel

EXHIBIT(S):

1. Appeal letter, dated July 10, 2003, from Holtz Preservation Group, Canyon Land Conservation Fund, Rural Canyons Conservation Fund, Juaneno Band of Mission Indians (Acjachemen Nation) and listed individuals and organizations (Appellants)
2. Response to Appeal
3. Planning Commission Resolution 03-01 certifying EIR 587 (SCH 2002081002)
4. Planning Commission Resolution 03-02 approving Silverado Canyon Ranch Site Development Permit PA 02-0022
5. Minutes (Draft) Planning Commission Hearing of June 25, 2003
6. June 25, 2003 PDSD Planning Commission Staff Report package with exhibits, including Errata dated June 25, 2003:
 1. Site Development Permit Conformance Document (with internal Exhibits A thru L)
 2. Site Plans
7. June 25, 2003 Environmental Planning Services Planning Commission Staff Report, including Errata dated June 25, 2003
8. Draft EIR 587 and Response to Comments Document
9. Silverado-Modjeska Specific Plan

ATTACHMENT(S):

1. DRAFT Board of Supervisors Resolution Denying Appeal and Certifying Final EIR 587 and upholding Planning Commission approval of Site Development Permit PA02-0022, with attachments:
 - A. Findings and Facts in Support of Findings and Statement of Overriding Considerations for the Final Environmental Impact Report No. 587
 - B. Mitigation Monitoring and Reporting Program – EIR No. 587
 - C. Recommended Conditions of Approval